



**MINUTES OF THE MEETING OF THE  
PLANNING COMMITTEE**

**TUESDAY 30<sup>TH</sup> MARCH 2021  
VIA DIGITAL MEETINGS SYSTEM**

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**Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor L Bruce  
Councillor J Findlay  
Councillor A Forrest  
Councillor N Gilbert  
Councillor S Kempson  
Councillor K Mackie  
Councillor C McGinn  
Councillor K McLeod  
Councillor J McMillan  
Councillor J Williamson

**Other Councillors Present:**

Councillor P McLennan

**Council Officials Present:**

Mr K Dingwall, Service Manager – Planning  
Ms E Taylor, Manager Planning Delivery  
Mr C Grilli, Service Manager - Legal  
Mr D Taylor, Planning Officer  
Mr J Allan, Assistant Planner  
Mr M Greenshields, Senior Roads Officer  
Mr G McLeod, Transportation Planning Officer  
Ms E Hunter, Transportation Planner  
Mr J Canty, Transportation Planner  
Mr C Clark, Senior Environmental Health Officer  
Mrs P Gray, Communications Adviser  
Mrs L Gillingwater, Team Manager – Democratic & Licensing

**Clerk:**

Ms F Currie

**Visitors Present/Addressing the Committee:**

Item 2 – Mr D Sayers, Mr D Lawson  
Item 3 – Mr G Mackintosh, Mr S Cameron, Ms V Sinclair, Mr I Parsons, Mr M Kelly,  
Mrs F Constable, Mr J Kinnaird, Mr R Austin, Ms L Shaw Stewart  
Item 4 – Mr J Frostwick, Mr D Henderson, Mr G Shiels  
Item 5 – Mr A Cranston, Ms P Swan, Ms J Bell  
Item 6 – Mr M Gilmartin

**Apologies:**

Councillor W Innes

**Declarations of Interest:**

Item 3 – Councillor McMillan stated that, in his role as Provost and Economic Development Spokesperson, he had met with both the applicant and some of the objectors at various times. He would withdraw from the meeting during consideration of this item.

**1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 12<sup>TH</sup> JANUARY 2021**

The minutes of the meeting of the Planning Committee of 12<sup>th</sup> January 2021 were approved.

**2. PLANNING APPLICATION NO. 20/01430/PM: SUBSTITUTION OF HOUSE TYPES ON PLOTS 1, 4-5, 8, 11, 13, 16, 18, 20-21, 23, 30, 53, 60, 71, 73, 75, 77-79, 86-96, 99-101 AND 104-105 AS CHANGES TO THE SCHEME OF DEVELOPMENT THE SUBJECT OF PLANNING PERMISSION 18/01366/AMM, LAND AT SALTCOATS FIELD, GULLANE, EAST LoTHIAN**

A report was submitted in relation to Planning Application No. 20/01430/PM. David Taylor, Planning Officer, presented the report, summarising the key points. The report recommendation was to grant consent.

Referring to the previous planning application for this site, Councillor Findlay asked if the issue of a pedestrian walkway and connection with Gullane village had been resolved. Mr Taylor stated that this was not material to the application before the Committee today and he did not have this information to hand.

In response to further questions from the Convener, Mr Donald Sayers, agent for the applicant, advised that while the number of 5 bedroom units was increasing, the number of 3 bedroom units across the whole of the site would remain the same.

The Convener expressed disappointment regarding the loss of 4 bedroom homes on the site, and the potential for the loss of 3 bedroom homes. He said that all developers were encouraged to offer a range of house types as 5 bedroom homes were not always suitable for those looking to downsize or retire to the area. He noted that the problem of house types was not limited to CALA and that the Committee had no powers to impose controls on the variety and number of house types on a site.

The Convener moved to the vote on the report recommendation (to grant consent). The vote was taken by roll call:

For: 11  
Against: 0  
Abstentions: 0

**Decision**

The Committee agreed to grant planning permission subject to the following conditions:

- 1 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 2 Notwithstanding that which is stated on the drawings docketed to this planning permission a detailed specification of all external finishes of the houses of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses and flats, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. All such materials used in the construction of the houses and flats shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 3 A timetable for the provision of the erection of the 1.8 metre high boundary enclosures for the rear gardens of the houses hereby approved shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the privacy and amenity of future residents of the development.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended by The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 or by any other statutory instrument amending, revoking or re-enacting the 1992 Order, no windows or other glazed openings shall be formed on the first floor or within the roof slope of the east elevation of the houses to be built on Plots 08 & 101, the west elevation of the house to be built on Plot 94, the north elevation of the house to be built on Plot 20 and on the south elevation of the house to be built on Plot 21 without the prior permission of the Planning Authority.

Reason:

In the interests of safeguarding the privacy and amenity of the occupants of neighbouring residential properties.

- 5 The roof lights on the east facing roof slopes of the houses to be built on Plots 08 & 101 on the west facing roof slopes of the house to be built on Plot 94 on the north facing roof slope of the house to be built on Plot 20 and on the south facing roof slope of the house to be built on Plot 21 shall be obscurely glazed, prior to the occupation of those houses. Thereafter those roof windows shall continue to be obscurely glazed unless otherwise agreed in writing by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the occupants of neighbouring houses.

*Sederunt: Councillor McMillan left the meeting.*

3. **PLANNING APPLICATION NO. 20/01224/P: ALTERATIONS, EXTENSIONS TO AGRICULTURAL BUILDINGS, ERECTION OF BUILDINGS TO FORM SHOP (CLASS 1), VISITORS/CONFERENCE CENTRE (CLASS 10), AUDITORIUM (CLASS 11), CAFE (CLASS 3), BAR (SUI GENERIS), LETTING BEDROOMS (CLASS 7), OFFICES/MEETING ROOMS, 6 SELF-CONTAINED HOLIDAY**

## **LETS AND ASSOCIATED WORKS AT PAPPLE STEADING, PAPPLE, WHITTINGEHAME, EAST LOTHIAN EH41 4QD**

A report was submitted in relation to Planning Application No. 20/01224/P. Emma Taylor, Manager – Planning Delivery, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent for the application.

In response to questions from Members, Ms Taylor advised that a breach of condition notice could be served, if required but that officers would aim to engage with the applicant over any breach of conditions. She also said that advice had been received from a specialist officer on flood matters and no concerns had been raised.

Liz Hunter, Transportation Planner, responded to questions from Members regarding the Travel Plan, traffic assessments, the impact of increased traffic on road safety, and possible improvements to the site access road, including additional passing places, and improvements to directional road signage.

Colin Clark, Senior Environmental Health Officer, also replied to questions relating to noise pollution, fireworks usage, potential mitigation measures, monitoring and enforcement.

The Convener raised the possibility of additional conditions being imposed in response to some of the concerns expressed by Members. Keith Dingwall, Service Manager – Planning, confirmed that additional conditions could be included in relation to road signage and improvements, and light and noise pollution. Ms Taylor reminded Members that any conditions must be appropriate and reasonable.

Mr Stuart Cameron, agent for the applicant, outlined the background to the application and advised that 50% of the steading site would be given over to heritage use. He said that proposals were sympathetic and complimentary to the restoration of the building and a subservient series of developments would go hand in hand with the existing steading buildings. The LBC proposals had been agreed by Historic Environment Scotland, and a financial contribution had been agreed with the Council for the upgrades to the road network. On flooding he said that work had been carried out on a culvert following a recent flooding incident and further work was still to be done.

Mr George Mackintosh, the applicant, outlined his own personal connection with the site and emphasised the historical significance of the steading buildings both locally and nationally. He explained that he would be working in partnership with the Soil Association and that Queen Margaret University and Dunbar Music School would make use of facilities on the site. He hoped that other partnerships would follow. He said the project had 3 strands: heritage, community and business and he highlighted key aspects of each. In summary, he said his intention was to save the steading, create jobs and make the countryside and its heritage accessible to all.

Mr Cameron and Mr Mackintosh responded to questions from Members on the number of staff to be employed, the type of events and celebrations envisaged for the site, whether the site would operate all year round and security arrangements. They also provided information on how the facilities might be used by local community groups, the development's 'green' credentials and plans to develop a core paths network in and around the site.

In response to further questions, they discussed options for mitigation of potential noise and light pollution and the possibility of improvements to the access road to the site to address traffic concerns.

In response to a question from the Convener, Mr Dingwall confirmed that Members could add conditions to the planning permission to address concerns regarding the access road,

and noise and light pollution. These could include the imposition of a temporary period for use of the auditorium to allow assessment of noise levels and impact.

Mr Mackintosh said that a temporary condition of that nature may be too compromising for them but suggested a condition regarding maximum noise levels.

Mr Miles Kelly spoke against the application. He said he represented the views of Papple residents and while the community welcomed the restoration of the steading, they felt that the proposals failed to support local amenity. Referring to the flood risk, he advised that there had been regular flooding at the Steading and West Lodge and that current drainage was inadequate. He asked why no flood assessment had been carried out and quoted from a previous SEPA assessment which had rated the flood risk as 'medium' and whose guidance suggested that action should be taken to address such risks. He also raised concerns about noise levels, particularly from live music events. He said that the professional survey carried out on behalf of Papple residents had shown that the proposed mitigation of closed doors would not be sufficient and he questioned how any such condition could be enforced.

Mrs Fiona Constable spoke against the application as a local resident whose property boundary was less than 20 metres from the access road. She expressed concerns that the proposals failed to protect local amenity and posed a threat to the natural and cultural character of the area. She stated that any new lighting would be out of keeping with current levels and would adversely impact local fauna, including badgers, breeding barn owls and rare species of bats, as well as impacting the nearby Papple Woods which were part of the Biel Water Biodiversity Site. Bats were known to suffer significant disturbance at lighting levels lower than those specified in the proposed conditions. It was also possible that the proposals could obstruct bat roosts and feeding routes. She did not think there would be adequate protection offered to these and other species under the current proposals.

Mr Richard Austin, speaking on behalf of Gifford Community Council, said their objections related solely to the increase in traffic through the village. While acknowledging that the transport statement offered 3 routes from the west, he was concerned that the route most commonly used would be through Gifford. He questioned the assessment of vehicle movements, referring to a survey undertaken in 2016 which suggested that the actual number could be twice as high as that assessed for this application. He pointed to statistics showing that an increase in traffic of 25 – 30% gave an appreciable increase in the risk of accidents and he reminded Members that the primary school was situated on this route. He had been encouraged to hear suggestions for improved signage for the route via East Linton and said that if this was to be the main route it would alleviate some of his concerns.

Mr John Kinnaird spoke against the application. He summarised his concerns relating to increased traffic on local roads, particularly coaches. He said that reduced road width, blind corners, lack of passing places and some parts of roads being too narrow for two vehicles to pass would result in significant safety issues for road users and pedestrians. He also expressed concern about a lack of information on some aspects and pointed out that mitigation measures could not resolve all of the issues. He questioned whether the routes had been fully assessed and, if so, why such assessments had not been published. He also raised concerns about possible damage to the canopies and roots of some trees on the site and whether this had been adequately assessed. Finally, he suggested that incorrect information had been submitted by the applicant in relation to flooding.

The Convener asked for a comment from officers regarding the transportation survey. Ms Hunter advised that the transport statement did ask for further work to be done at pinch points in the network. Information on large coaches had been provided and some routes had been ruled out on this basis.

Ms Linda Shaw Stewart, speaking on behalf of Dunpender Community Council, said that while they were delighted that the building was to be redeveloped, they had concerns. The impact of increased traffic on narrow roads used by agricultural traffic, walkers, runners, cyclists and riders. The current infrastructure was inadequate and there were no plans to link the site to public transport. The proposed car parking for staff and visitors was inadequate and did not take into account the potential numbers visiting the various facilities on site. There was no detailed lighting plan and the site was very close to woodland where fauna would be adversely impacted by light pollution. The potential for noise pollution from events in the outdoor courtyard was also a major concern and no assessment had been carried out. She suggested that consent for the application in its present form should be refused.

Local Member Councillor Kempson began by addressing the applicant's proposal to create core paths for walkers. She pointed out that the applicant did not have a legal right of access over some of the land where the core paths were proposed. While she agreed that the steading buildings at Papple were in need of restoration and she supported the idea of a museum, she felt that this development was far more than that and would be too large for the site. She had concerns that the proposed car parking was not sufficient to accommodate the number of potential visitors and that it was unrealistic to assume the majority would come by bus. She also considered the proposed development to be a venue for activities which would be detrimental to the local environment. She would not be supporting this application.

Local Member Councillor McLennan said he had also called in this application. He felt that there should have been greater consultation with local community councils and he had concerns about the roads around the site, the scale of the development and potential noise pollution. He was satisfied that the flooding and lighting issues had been addressed by the applicant and he had no objection to the principle of development in rural areas. However, he remained particularly concerned about the impact on the local roads network and, if able to vote, he said he would not support this application.

Local Member Councillor Hampshire (the Convener) commented on the controversial nature of the application which had generated a high volume of correspondence expressing a variety of views. He welcomed the proposals, in particular the museum, and that restoration and development of a steading which would be open to the public to visit and enjoy. However, he acknowledged the local concerns regarding traffic, light pollution, noise, access and the impact on biodiversity. He referred to the assessments carried out by officers and suggested that with the addition of extra conditions related to improved signage, road access, and controls on lighting and amplified music, appropriate arrangements could be put in place to manage these concerns. He concluded by saying that the restoration of steading buildings was very important, as was the development of a museum to celebrate farming heritage and the creation of business and job opportunities in the countryside. For these reasons, he would be supporting the application.

Councillor Findlay said he understood the concerns expressed by local residents however he felt that there could be controls put in place to mitigate these matters. He supported the additional conditions suggested by the Convener and, on that basis, he would be supporting the report recommendation.

Councillor Gilbert echoed Councillor Findlay's remarks and confirmed that, subject to the addition of conditions relating to amplified music and improvements to the access road, he would be supporting the application.

Councillor McGinn would be supporting the report recommendation. He said that it was exciting to see this type of development in the countryside and offering the opportunity for young people to learn about farming and East Lothian's proud rural communities.

Councillor Forrest observed that this was the first time he could recall a steading being developed for something other than housing. He noted the concerns that had been raised and said he hoped that these had been listened to the conditions proposed would be helpful and allow the project to move forward. He would be supporting the report recommendation.

Keith Dingwall, Service Manager – Planning, suggested the following wording for the additional conditions discussed by Members during the debate:

21. Prior to the commencement of the mixed use development a signage strategy for the mixed use development shall be submitted to and approved in writing by the Planning Authority. None of the approved uses shall commence unless the signage is being displayed in accordance with the strategy so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure that the mixed use development is suitably advertised, in the interests of road safety.

22. Prior to the commencement of the mixed use development details of passing places to be installed adjacent to the access road serving the mixed use development shall be submitted to and approved in writing by the Planning Authority. None of the approved uses of the mixed use development shall commence unless the passing places have been formed in accordance with the details so approved.

Reason:

In the interests of road safety.

23. Planning permission for the use of the auditorium for amplified music is granted for a temporary period of two years from the date of this decision notice. At the end of this temporary period, no use shall be made of the auditorium for amplified music, unless planning permission is otherwise granted.

Reason:

To enable the Planning Authority to monitor the noise impact of the auditorium, in the interests of the amenity of nearby residential properties.

24. Prior to their use in the mixed use development, details of any external lighting to be installed within the application site shall be submitted to and approved in writing by the Planning Authority. No external lighting shall be installed within the application site unless and until details of it have been approved in writing by the Planning Authority.

Reason:

In the interests of the amenity of the area and local wildlife.

The Convener formally moved that these conditions be added to the proposed conditions of planning permission. This motion was seconded by Councillor Findlay. The Convener moved to the vote on the amendment to the proposed conditions (taken by roll call):

For: 10

Against: 0

Abstentions: 0

The Convener then moved to the vote on the report recommendation, as amended, (to grant consent) which was also taken by roll call:

For: 9

Against: 1

Abstentions: 0

## Decision

The Committee agreed to grant planning permission subject to the following conditions:

1. All new and replacement roof windows hereby approved shall be installed in a manner that ensures that their upper surfaces are as near flush as possible with the upper surfaces of the roof slope into which they will be installed and with minimum flashing.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 2 Samples of new and replacement natural slates and new and replacement pantiles to be used in the development hereby approved shall be provided for the prior inspection and approval of the Planning Authority and the new and replacement slates and new and replacement pantiles used shall accord with the samples so approved. Where possible, existing slates and pantiles shall be reinstated following any roof repairs or alterations.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 3 Notwithstanding what is shown for them on the docketed drawings the new and replacement windows and glazed doors hereby approved shall have through glazed astragals so as to divide their glazing and shall not have 'plant on' astragals. Prior to the installation of them a specification drawing, at a scale of 1:20, shall be submitted to and approved by the Planning Authority and the windows, glazed doors, astragals and glazing shall accord with the details so approved.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 4 The following shall be finished in a colour to be approved in advance by the Planning Authority and the colour of the finish applied shall accord with the details so approved:

1. the external face of all new and replacement exterior timber boarded doors and timber boarded infill panels;

2. the external face of the frames of all new and replacement glazed doors, screens and infill panels;

3. the external face of the frames of all new and replacement windows.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 5 All stonework repairs shall be carried out using salvaged stone from elsewhere on site. If this is not possible then natural stone specifically selected to match the existing stone in colour, tooling and shape shall be used.

Any new stone shall be coursed to match the original. In the case of replacement skews, door or window surrounds or other such features, the stone shall be dressed and laid in the same manner as the original, as far as reasonably possible.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 6 All stonework repairs and re-pointing shall be carried out using a lime-based mortar, which shall match, as closely as possible, the existing lime pointing.

Prior to commencement of limework a detailed specification for limework together with details of the lime specialist contractor to be used, shall be submitted to and approved by the Planning Authority.

Thereafter, the limework shall be implemented as approved.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 7 All rainwater goods shall be cast iron and painted, unless otherwise agreed with the planning authority. Prior to installation of the rainwater goods, details of the proposed colour shall be submitted to and approved in writing with the Planning Authority.

Thereafter the rainwater goods shall be installed and the colour applied as approved.

No fascia boards shall be installed behind the gutters on the buildings. All new and replacement sections of guttering shall only be attached to the steading buildings using sarking straps, unless otherwise agreed in writing with the Planning Authority.

Reason:



To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 8 Samples of the external finishes of the extensions and ancillary buildings hereby approved shall be submitted to and approved in advance by the Planning Authority prior to their use in the development. The materials used shall accord with the samples so approved.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the steading building within its landscape setting.

- 9 The occupation of the holiday letting accommodation use hereby approved shall be restricted solely to short term lets of not more than 28 days. The holiday letting accommodation units shall not be re-let to the party/parties who last occupied it anytime within a period of two months following the date on which the previous time of occupancy ends.

A record of occupancy shall be maintained by the operators of the holiday let, including details of the names and addresses of occupants and the dates of occupation. This record shall be made available for inspection by the Planning Authority at all reasonable times.

Reason:

To restrict the holiday letting use of the proposed buildings to that applied for and in the interests of safeguarding the purpose and integrity of the Council's policy for the control of housing development in the East Lothian countryside.

- 10 The minimum sound insulation RW rating values of the main components of the building fabric of the auditorium hereby approved shall be (i) roof and external walls providing 55 dB RW; and (ii) external laminated double glazing providing 40 dB RW as detailed in Table 2 of the Noise Impact Assessment dated 4th August 2020.

Reason:

In the interests of protecting the amenity of neighbouring residential properties in the area.

- 11 The glazed doors to be formed within the auditorium hereby approved shall be maintained in a closed position during events that involve amplified music and/or speech.

Reason:

In the interests of protecting the amenity of neighbouring residential properties in the area.

- 12 Any light trespass (onto windows) of neighbouring residential properties, as a result of any artificial lighting at the premise, measured as Vertical Illuminance in Lux, (Ev), shall not exceed 5 between the hours of 0700-2300 and shall not exceed 1 between the hours of 2300-0700.

Reason:

In the interests of protecting the amenity of neighbouring residential properties in the area.

- 13 Prior to any site development works a suitable Geo-Environmental Assessment must be carried out, with the Report(s) being submitted to the Planning Authority for approval. It should include details of the following:

- (i) A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);
- (ii) A Ground Investigation comprising a survey of the extent, scale and nature of contamination, and an updated conceptual model of the site. It is required if the Desk Study has indicated that the site is potentially contaminated and the degree and nature of the contamination warrants further investigation;
- (iii) An appraisal of the remediation methods available and proposal of the preferred option(s).

The site investigation and risk assessment must be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the Environment Agency's Contaminated Land Report 11, Model Procedures for the Management of Land Contamination, CLR11.

If it is concluded by the written report that remediation of the site is not required, then Parts (a) and (b) of this Condition can be disregarded.

(a) Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement should be produced that shows the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement should detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It should also ensure that the site will not qualify as contaminated land under Part2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development. The Statement must be submitted to the Planning Authority for approval.

(b) Following completion of the measures identified in the approved Remediation Statement, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to commencement of the new use of the land.

In the event of the presence of any previously unsuspected or unforeseen contamination of the land of the application site being found, development shall not begin, or shall cease to continue, until further investigations have been carried out to determine if any additional remediation measures are required.

Reason:

To ensure that the site is clear of any contamination found to be present prior to the use or occupation of the buildings approved.

- 14 Prior to the commencement of development, details of a barn owl nesting box shall be submitted to and approved in writing by the Planning Authority. The details submitted shall include the location and specification of the nesting box and a timescale for its erection. Thereafter, the nest box shall be erected as approved and retained in perpetuity, unless otherwise agreed in writing with the Planning Authority.

Development shall not be carried out during the bird breeding season of March through to August of any year, unless otherwise agreed in writing with the Planning Authority.

Reason:

To mitigate the potential impact of the development on barn owls on the site and provide compensatory nesting sites in the interest of biodiversity.

- 15 Prior to the commencement of development hereby approved, a Species Protection Plan (for bats) and a timetable for the implementation of mitigation and protection measures, shall be submitted to and approved in writing by the Planning Authority. The mitigation and protection measures shall thereafter be implemented in strict accordance with the timetable so approved.

In addition, a copy of the relevant European Protected Species licence or a low impact licence (BLIMP) shall be submitted prior to the commencement of development.

Reason:

In the interests of biodiversity and the conservation of a European Protected Species.

- 16 No development shall take place on site until:

a) a scheme of landscaping has been submitted to, and approved in writing by, the Planning Authority. The scheme of landscaping shall include a programme of planting and details of tree sizes, species, habitat, siting and planting distances. In particular, the landscape scheme shall include (i) the retention of the existing hedgerows to the access roads and northern site boundary; (ii) the retention of the mature lime trees to the east side of the northern access road; (iii) new tree planting to the northern and eastern site boundaries; (iv) new hedgerow planting to the eastern boundary; and (v) show that the paved surface finish of the car parking area shall be off-set from the centre lines of the existing hedges enclosing the northern and eastern boundaries of the application site by a minimum of 1.5 metres; and

b) details of the construction of the grass verge reinforcement shall be submitted to and approved in writing by the Planning Authority. It shall be designed and carried out in accordance with section 7.4 of BS5837: 2012 "Trees in relation to design, demolition and construction ~ Recommendations". The design must not require excavation into the soil, including through lowering of levels and/or scraping, other than the removal, using hand tools, of any turf layer or other surface vegetation.

All planting comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is sooner, and any trees, plants or hedgerows which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation. No trees, shrubs or hedgerows, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

In order to ensure the implementation of a landscaping scheme and the retention of trees and hedgerows in the interests of the landscape character, appearance and amenity of the area.

- 17 Prior to the commencement of development, details of the provision of new car charging points and infrastructure for them shall be submitted to and approved in writing by the Planning Authority. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

- 18 Prior to any use of the development hereby approved, the car parking spaces and cycle parking areas shown on docketed drawing number PP-119 Revision A, titled 'Proposed Site Plan', shall be fully formed and made available for use. So too shall the reinforced verge to be used as a passing area. Thereafter the car parking spaces, cycle areas and passing area shall all be retained in place in their entirety for use for the parking of vehicles, cycle bikes and to ensure that an adequate passing area is provided within the application site.

Reason:

To ensure the provision of adequate car and cycle parking facilities are available in the interests of road safety.

- 19 A Travel Plan to minimise private car trips to and from the site and to encourage use of alternative modes of transport such as buses and cycling shall be submitted to and approved by the Planning Authority prior to the use of the development hereby approved. Additionally the Travel Plan shall include details of the measures to be provided, the methods of management, monitoring, review, reporting and duration of the Plan. It shall also include a risk assessment/statement of the appropriateness of local roads to accommodate coaches and cyclists.

The approved Travel Plan shall be implemented prior to the use of the conference and heritage facilities.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the conference and visitor centre use.

- 20 Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in advance in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

- 21 Prior to the commencement of the mixed use development a signage strategy for the mixed use development shall be submitted to and approved in writing by the Planning Authority. None of the approved uses shall commence unless the signage is being displayed in accordance with the strategy so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure that the mixed use development is suitably advertised, in the interests of road safety.

22. Prior to the commencement of the mixed use development details of passing places to be installed adjacent to the access road serving the mixed use development shall be submitted to and approved in writing by the Planning Authority. None of the approved uses of the mixed use development shall commence unless the passing places have been formed in accordance with the details so approved.

Reason:

In the interests of road safety.

23. Planning permission for the use of the auditorium for amplified music is granted for a temporary period of two years from the date of this decision notice. At the end of this temporary period, no use shall be made of the auditorium for amplified music, unless planning permission is otherwise granted.

Reason:

To enable the Planning Authority to monitor the noise impact of the auditorium, in the interests of the amenity of nearby residential properties.

24. Prior to their use in the mixed use development, details of any external lighting to be installed within the application site shall be submitted to and approved in writing by the Planning Authority. No external lighting shall be installed within the application site unless and until details of it have been approved in writing by the Planning Authority.

Reason:

In the interests of the amenity of the area and local wildlife.

*Sederunt: The Committee adjourned for a short break and Councillor McMillan returned when the meeting resumed.*

**4. PLANNING APPLICATION NO. NO.20/01388/P: EXTENSION TO HOUSE, 4 SANDERSONS GROVE, TRANENT EH33 1JY**

A report was submitted in relation to Planning Application No. 20/01388/P. James Allan, Assistant Planner, presented the report, summarising the key points. The proposed decision set out in the report was to grant consent for the application.

In response to questions from Members Mr Allan provided clarification on the dimensions of the proposed extension, the shrubs to be removed at the front of the property and the extent to which the development would overshadow the garden and conservatory next door. He also confirmed that this type of extension was not unusual and there were many examples of similar projects being approved in East Lothian.

Marshall Greenshields, Senior Roads Officer, replied to a question on car parking. He explained that an additional space would be required as the house would increase beyond the current threshold.

Mr Derek Henderson spoke against the application. He lived next to the property and objected to the size of the extension which he said was not in keeping with other houses in the street. He explained that the extension would reach right to his boundary wall and would greatly reduce the daylight/sunlight in his garden and sunroom. He said that this room was used regularly, especially by his wife and that the proposals could adversely affect her health. He also expressed concern that the extension was designed to change the house from a family home to, potentially, a house of multiple occupation (HMO).

The Convener pointed out this application contained no proposals for an HMO and that any request for an HMO licence would be subject to a separate application process.

Mr Gordon Shiels spoke against the application. He said that the footprint of the extension would be very large and that the extra space provided seemed excessive for a family of two people. He felt that the new features, particularly the large window in front, would impact on surrounding properties and that its effect on the Henderson's property and also Mrs Henderson's use of their sunroom would be severe. He expressed concern over the impact that removal of a street parking space would have on road safety; cars often parked in their street as it offered access to the playing fields. He commented that since its sale, No. 4 had only been occupied periodically, even during lockdown, and if it was not the owner's principal home it was clearly a development opportunity. He also questioned the legality of the changes and referred to the wording of the missives.

Local Member Councillor McGinn said he had called in this application over concerns about parking. This was a really active area and parking was already an issue in the street. He also felt that the proposals, by their size and stature, amounted to an overdevelopment of the site. He referred to the results of the sunlight test and questioned the assessment of 'minimal impact' as half of the garden and sunroom of No.5 would be impacted between 9am and 1pm each day. For these reasons, he would not be supporting the report recommendation.

Local Member Councillor McLeod said this was a difficult decision and he shared some of the concerns already expressed. He also did not agree with the removal of garages in such properties. He asked whether it was possible to add a condition preventing the house being licensed as an HMO.

Mr Dingwall advised that it would not be competent to add such a condition.

Councillor Findlay said he shared a lot of the concerns but his basic objection was that this was an overdevelopment of the site based on the surrounding houses. He would not be supporting the report recommendation.

Councillor McMillan said he had been impressed by comments from the objectors. When hearing how close the extension would come to the boundary wall, he said it did look like an overdevelopment of the site which would clash with the surrounding, well-designed area. He also had concerns about parking. He would not be supporting this application.

The Convener brought the discussion to a close. He agreed with many of the previous remarks and did not consider the proposal to be of an appropriate scale for this property. He was particularly concerned about overshadowing and loss of sunlight to the neighbouring property. He was in agreement with Members; he would not be supporting this application.

The Convener moved to the vote on the report recommendation (to grant consent) which was taken by roll call:

For: 0

Against: 10

Abstentions: 0

### **Decision**

The Committee agreed to refuse planning permission for the following reasons:

1. The proposed extension would be an overdevelopment of the site, harmful to the amenity of the area, and contrary to Policy DP5 of the adopted East Lothian Local Development Plan 2018.
2. By virtue of its size and dominant nature, the proposed extension would have an unacceptable impact on the amenity of the neighbouring property of 5 Sandersons Grove, contrary to Policy DP5 of the adopted East Lothian Local Development Plan 2018.

### **5. PLANNING APPLICATION NO. 20/01413/P: ALTERATIONS AND CONVERSION OF BUILDING INTO 4 FLATS, ASSEMBLY ROOMS, CHURCH STREET, DUNBAR EH42 1HA**

A report was submitted in relation to Planning Application No. 20/01413/P. Ms Taylor presented the report, summarising the key points. She drew Members' attention to planning policy CH2 which stated that, in exceptional circumstances, the benefits of proposals that would restore and improve the appearance of a building and enhance the character and appearance of a conservation area, could be deemed to outweigh the requirement for off-street parking provision. In her assessment, the benefits offered by this application were considered to outweigh the requirement for provision of 4 parking spaces. The proposed decision set out in the report was to grant consent for the application.

Ms Taylor responded to questions from Members. She accepted that there were concerns regarding parking but reiterated policy CH2 and indicated that it would be for Members to decide if the circumstances were exceptional in this case. She believed that the benefits to the townscape would outweigh the requirement for parking provision. She advised that the roofline would be raised 1.4m above the existing height but that this would not impede the views from the property opposite. She also explained that although the building was on the 'at risk' register, unless there was a health and safety risk it was unlikely that the Council could force the applicant to take action. This application would at least allow for the safeguarding of the building.

Ms Jacquie Bell, spoke on behalf of Dunbar Community Council. She said that they had long been concerned about the state of the building which they felt required a whole site solution. However, despite concerns about the raising of the roofline and that the view on the seaward side could have been maximised for residents, the Community Council was generally supportive of the proposals. She noted that parking was a general issue in the town centre but that the building had been built long before cars and in the future there may be alternative options for residents, e.g. car clubs or the development of off-street car parking nearby. She suggested that the large area to the rear of the Assembly Rooms may be suitable but that in any event, planning policy allowed for parking provision to be omitted in exceptional circumstances. She urged the Committee to support the application.

Mr Alex Cranston, a representative for the applicant, indicated that he did have a statement to make and he was invited to speak next. Mr Cranston read out a letter from the applicant in which he explained how design issues had been addressed. He suggested that on-street parking was an issue at present due to people being at home more than usual and that on-street traders also impacted on parking. He noted that there were precedents for approval of similar developments without parking provision and referred to a site nearby which had been approved in 2018. He also outlined his concerns about approaches he had received from a third party to purchase the Assembly Rooms and that the architect involved with this approach may have links to a representative of a local residents' groups. He asked that comments made by this representative should be disregarded by the Committee.

The Convener pointed out that this individual did not make decisions on planning applications and that they were present to represent the views of a section of the local community.

Ms Pippa Swann, on behalf of the Dunbar Shore & Harbour Neighbourhood Group spoke against the application. She said that the Group was generally in favour of development of historic buildings and did not generally object to this application. However, she was surprised that listed building consent had been granted for raising of the roofline. She felt that raising the roofline was inappropriate and it was unfortunate that more was not being done with the seaward side of the building. She also considered parking to be an issue, especially with 3 bedroom flats. She said that refusing this application did not mean that the building would remain empty for another 10 years and that what was required was a whole site solution.

Local Member Councillor Hampshire (the Convener) said he had called in this application. He referred to previous proposals for the site and the current application and said it was unfortunate that no one was prepared to bring forward a whole site solution. At the site visit, Members had seen how beautiful the building was inside and it would be extremely unfortunate if the roof were to be destroyed; and would change the character of the listed building. He added that parking was a major issue and he did not think it was acceptable to approve the proposals without off-street car parking. He would not be supporting the report recommendation.

Local Member Councillor McLennan said that plans for this building had been ongoing for some considerable time; the applicant had listened to concerns and had revised their proposals as a result. He welcomed the community council's support and said that proposals would benefit the townscape. He agreed with the planning officer that there were exceptional circumstances which would merit the removal of a requirement for car parking. He said it was not appropriate to refuse the application because Members would prefer a whole site solution. If nothing was done, the building would continue to deteriorate and he urged Members to support the application

Local Member Councillor Kempson supported the Convener's comments. She considered car parking to be critical and she noted that parking on Church Street could already be

problematic, even while all of the shops on the High Street were still closed. She would not be supporting this application.

Councillor Gilbert said that this was an ‘at risk’ building and had been so for almost 30 years. This application represented a viable proposal to safeguard it and planning policy allowed for the requirement for car parking to be set aside in exceptional circumstances. He would be supporting the report recommendation.

Councillor McLeod commented that if he were a buyers who looked for car parking he would simply look elsewhere. He considered the building to be in need of upgrading and he would be supporting the report recommendation.

Councillor Williamson observed that this was the second application today which involved a historic building which was deteriorating and, without action, would eventually require demolition. Such a building close to the seashore may attract buyers who were less reliant on cars and he considered this to be the only way to safeguard the building. He would be supporting the report recommendation.

Councillor McMillan considered the proposals to be feasible but not viable and, for him, parking was a major concern. He felt that the proposals did not make best use of the whole site and were a short-term solution. He believed that a long-term option should be explored. He would not be supporting the report recommendation.

Councillor Findlay commented that this was a stunning building inside and it was time something was done to preserve it. He knew of other buildings where permission had been given despite car parking issues and he did not consider it to be a major problem. He said that the Committee had to consider the application that was before them not what could or would be. He would be supporting the report recommendation.

Councillor Forrest said he had listened to all of the comments but the difficulty for him related to car parking. He added that officers had specified a requirement for car parking in many other applications and he did not see why this application should be treated differently. He would not be supporting the report recommendation.

Councillor Mackie supported the comments made by Councillor Forrest and said she too had concerns about car parking.

The Convener moved to the vote on the report recommendation (to grant consent) which was taken by roll call:

For: 4

Against: 7

Abstentions: 0

### **Decision**

The Committee agreed to refuse planning permission for the following reasons:

1. The proposed roof alterations would adversely affect the profile of the roof of the listed building, and thereby its architectural and historic character, contrary to Policy CH1 of the adopted East Lothian Local Development Plan 2018 and Scottish Planning Policy.
2. As there is insufficient space within the curtilage of the application site to provide the parking spaces required by East Lothian Council’s Road Services to meet East Lothian’s Transportation Standards, the proposal would cause parking and

congestion problems on Church Street and elsewhere in the locality contrary to Policy T2 of the adopted East Lothian Local Development Plan 2018.

**6. PLANNING APPLICATION NO. 20/01348/LBC: REMOVAL OF CONDITION 4 OF LISTED BUILDING CONSENT 18/00401/LBC APARTMENT 2, WEST WING, WHITTINGEHAME HOUSE, STENTON, EH41 4QA**

A report was submitted in relation to Planning Application No. 20/01348/LBC. Ms Taylor presented the report, summarising the background and key points. She said that the changes sought were for the benefit of the family but that this was not a material consideration when assessing planning permission. She pointed out that the removal of the service stair would result in a change to the historic fabric which would be detrimental to the historic character of the building and contrary to planning policy. The proposed decision set out in the report was for refusal of the application.

In response to questions from Members, Ms Taylor confirmed that the staircase was a later addition to the property that was not visible from the outside. She advised that the staircase was likely one used by servants and that it added to the understanding of how the building was used in the past. Once removed, that understanding would be lost and she did not think that a plaque could adequately replicate this. She agreed that there was a balance to be struck between keeping what was significant and ensuring buildings were fit for human habitation. However, while this option may be what was best for the family, planning officers had to consider what was best for the building.

Michael Gilmartin, the applicant, referred to the previous application made in 2018 but stated that without the removal of the staircase the other alterations would not go ahead. He said that contrary to reports, there was no plan to install a lift and he felt that the assessment of the application had not taken full account of the needs of both family members with long-term health conditions. He referred to a recent report which had stated that the staircase was a late addition and of limited special interest. He also pointed out that Historic Environment Scotland had not objected to or supported the application, and that the only public objection to the application had subsequently been withdrawn. Mr Gilmartin outlined the day to day requirements of the two family members with serious, long-term health conditions and the difficulties of caring for them appropriately at home without making alterations to the family's living space. He asked that Members consider the needs of these vulnerable individuals and the impact on the family as a whole.

The Convener spoke first as he had called in the application. He noted that the staircase had been a relatively modern addition and of limited historical importance. He recognised the need to make alterations to meet the requirements of the family and he did not think that the removal of the staircase would result in any historical loss to the building. He would not be supporting the report recommendation.

Local Member Councillor Kempson also commented that the staircase had been a later addition and that it was very plain and added nothing either architecturally or historically to the building. She would not be supporting the report recommendation.

Councillor Gilbert said that this was a balancing act between the historic environment of Whittingehame House and the needs of the people who lived there. On this occasion, the needs of the people far outweighed the considerations of the historic environment. He would not be supporting the report recommendation.

The Convener moved to the vote on the report recommendation (for refusal) which was taken by roll call:



For: 0  
Against: 11  
Abstentions: 0

**Decision**

The Committee agreed to grant LBC permission subject to the following condition:

1. The works to implement this listed building consent shall begin before the expiration of 3 years from the date of this grant of listed building consent.

Reason:

Pursuant to Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee